

FORM PTO-1390  
(REV 10-2000)

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

ATTORNEY'S DOCKET NUMBER

205,360

TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A FILING UNDER 35 U.S.C. 371

U.S. APPLICATION NO. (if known, see 37 CFR 1.5)

10/018451

INTERNATIONAL APPLICATION NO.  
PCT/EP00/03586

INTERNATIONAL FILING DATE  
April 20, 2000

PRIORITY DATE CLAIMED  
April 22, 1999

TITLE OF INVENTION. INACTIVATED MICROORGANISMS COMPRISING SUBSTANCES  
HAVING PHARMACOLOGICAL ACTIVITY

APPLICANT(S) FOR DO/EO/US

Ernst Bernhard GRABITZ

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☒ This is an express request to promptly begin national examination procedures (35 U.S.C. 371(f)).
4. ☒ The US has been elected by the expiration of 19 months from the priority date (PCT Article 31).
5. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
  - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
  - b. ☒ has been communicated by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
7. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)).
  - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ have been communicated by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☒ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)). - unsigned
10. ☐ An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11 to 16 below concern document(s) or information included:

11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☒ A **FIRST** preliminary amendment.
14. ☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
14. ☐ A substitute specification.
15. ☐ A change of power of attorney and/or address letter.
16. ☐ Other items or information:

"EXPRESS MAIL" label no.: EF174014781US  
Date of Deposit: October 22, 2001  
This correspondence is being  
Deposited with the United States  
Postal Service "Express Mail Post  
Office to Addressee" service under  
37 CFR § 1.10 on the date indicated  
above and addressed to:  
Assistant Commissioner for Patents  
Washington, D.C. 20231.

22 OCT 2001

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17. ☒ The following fees are submitted:

**BASIC NATIONAL FEE ( 37 CFR 1.492 (a) (1) - (5) ) :**

Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO	\$1000.00
International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO	\$860.00
International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO	\$710.00
International preliminary examination fee paid to USPTO (37 CFR 1.482) but all claims did not satisfy provisions of PCT Article 33(1)-(4)	\$690.00
International preliminary examination fee paid to USPTO (37 CFR 1.482) and all claims satisfied provisions of PCT Article 33(1)-(4)	\$100.00

**ENTER APPROPRIATE BASIC FEE AMOUNT =**

**CALCULATIONS**      **PTO USE ONLY**

**\$ 890.00**

**\$ 890.00**

Surcharge of \$130.00 for furnishing the oath or declaration later than ☐ 20 ☐ 30 months from the earliest claimed priority date (37 CFR 1.492(e)).

**\$**

CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE
Total claims	24 - 20 =	4	X \$18.00
Independent claims	- 3 =		X \$80.00
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$270.00

\$ 72.00

**\$**

**\$**

**TOTAL OF ABOVE CALCULATIONS =**

**\$ 962.00**

☒ Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.

\$ 481.00

**SUBTOTAL =**

\$ 481.00

Processing fee of \$130.00 for furnishing the English translation later than ☐ 20 ☐ 30  
months from the earliest claimed priority date (37 CFR 1.492(f)). ☐ +

\$

**TOTAL NATIONAL FEE =**

**\$ 481.00**

Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property +

**\$**

**TOTAL FEES ENCLOSED**

\$ 481.00

Amount to be

§

refunded:

**charged:**

**§**

a. ☒ A check in the amount of \$ 481.00 to cover the above fees is enclosed.

b. ☐ Please charge my Deposit Account No. \_\_\_\_\_ in the amount of \$\_\_\_\_\_ to cover the above fees.  
A duplicate copy of this sheet is enclosed.

c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 01-0035. A duplicate copy of this sheet is enclosed.

SEND ALL CORRESPONDENCE TO:

**DELMAN FRAYNE & SCHWAB**  
Attorneys at Law  
150 East 42nd Street  
New York, NY 10017  
(212) 949-9022

Oct.22, 2001

**SIGNATURE**

Jay S. Cinamon

NAME \_\_\_\_\_

24,156

REGISTRATION NUMBER